

PATENT COOPERATION TREATY

From the:
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To: James & Wells PO Box 2201 Christchurch NEW ZEALAND		Date of mailing <i>(day/month/year)</i> <div style="float: right; font-weight: bold;">12 JAN 2005</div>	
Applicant's or agent's file reference 43043/X344		FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/NZ2004/000228	International filing date <i>(day/month/year)</i> 22 September 2004	Priority date <i>(day/month/year)</i> 22 September 2003	
International Patent Classification (IPC) or both national classification and IPC Int. Cl. ⁷ G06F 17/30			
Applicant EUREKSTER, INC et al			

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input checked="" type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustalia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer MATTHEW HOLLINGWORTH Telephone No. (02) 6283 2024
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International application No.

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Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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x No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 12, 17, 21-22, 35-37, 45-49, 51-56, 59-60, 63-65, 67, 70-79, 84	YES
	Claims 1-11, 13-16, 18-20, 23-34, 38-44, 50, 57-58, 61-62, 66, 68-69, 80-83	NO
Inventive step (IS)	Claims	YES
	Claims 1-84	NO
Industrial applicability (IA)	Claims 1-84	YES
	Claims	NO

2. Citations and explanations:

- D1: EP 1 288 795 A1 (BRITISH TELECOMMUNICATIONS), 5 March 2003
- D2: H. Kautz et al, *Referral Web: Combining Social Networks and Collaborative Filtering*, March 1997
- D3: US 6,430,558 B1 (DELANO), 6 August 2002
- D4: J. M. Pujol et al, *Porqpine: A Peer-to-Peer Search Engine*, 1 May 2004

NOVELTY (N) claims 1-11, 13-16, 18-20, 23-34, 38-44, 50, 57-58, 61-62, 66, 68-69, 80-83

Claims 1-11, 13-16, 18-20, 23-34, 38-44, 50, 57-58, 61-62, 66, 68-69 and 80-83: These claims lack novelty in comparison to document D1, which discloses all the claims' features.

Claim 1, at least: This claim also lacks novelty in comparison to D2.

INVENTIVE STEP (IS) claims 1-84

Claims 1-11, 13-16, 18-20, 23-34, 38-44, 50, 57-58, 61-62, 66, 68-69 and 80-83: As above.

Claims 1-84: These claims do not involve an inventive step in light of D1. When not disclosed in that citation, their features merely define well known features in the art, or implementation details which would be obvious to a skilled addressee.

The claimed invention is inventively distinguished from the remaining citations (D3-D4) in that it uses a social network to enhance the search results. While D3 and D4 use collaborative filtering to enhance the search, they appear to do so anonymously, rather than by using the user's social network.

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No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claim 84 lacks clarity. It is unclear what the clause "a search engine as described above" is referring to.